

### REMARKS

In the Office Action, claims 1-3, 6, 9 and 11 were rejected as anticipated by U.S. Patent No. 5,234,458 to Metais, claims 1-4, 7, 9, 10, 12 and 20-22 were rejected as anticipated by U.S. Patent No. 5,725,552 to Kotula et al., claims 1-3, 5-15, 17, and 20-22 were rejected as anticipated by U.S. patent No. 6,436,120 to Meglin, and claims 13-16, 18 and 19 were rejected as anticipated by WO99/25252 to Bosma.

Claim 1 of the present application recites inter alia a vessel filter comprising a first region having a mounting portion for mounting the vessel filter within the vessel and a first filter portion converging to form a first converging region at a first end portion. The mounting portion has a first end spaced from the second region. The first converging region is positioned radially and axially inwardly of the first end of the mounting portion such that the first end of the mounting portion is at a terminal end of the filter and the first filter portion is positioned closer to a center point of the filter than the first end of the mounting portion. Figure 2 of the present application, for example, illustrates these features as the filter section is closer to the center C than the terminal end of the mounting portion.

The Metais patent discloses a filter having legs with a convex portion whose apex 6 is adapted to abut the inner wall of the vessel. The apices of each leg are spaced apart longitudinally. Figure 6A shows the filter inside a carrier for insertion; Figure 6B shows the filter inside a vein (column 2, lines 67-68). As shown in the drawings, the legs are joined together at ends 2 and 3 by connecting pieces 4 and 5 which are at the terminal ends of the filter. In contrast, in the invention of claim 1, the filter converging region is positioned radially and axially inwardly of the end of the mounting portion. Thus, the first end of the mounting portion is at a terminal end of the filter. This is not the case with Metais where the converging regions are at the terminal ends.

The Meglin patent also fails to disclose or suggest such structure. The Examiner refers to Figure 12. However, in the structure of Figure 12, the members 1201 between tubes 1205 and 1207 have convex portions, formed by the twisted tube, which appear to be designed to contact the vessel wall. The tubes 1203, 1204, to the extent they constitute "converging regions", do not satisfy the recitation of the radial and axial inward location of the filter portion such that the

mounting portion is at the terminal end of the filter as the Meglin tubes are at the terminal end of the filter. Meglin even points out how tubes 1203 "remain outside of region 1202" (col. 7, lines 16-17). Consequently, Meglin, like Metais, fails to satisfy the recitations of claim 1.

The Kotula device lacks the radially/axially inward structure of claim 1. The Examiner refers to Figures 6A and 6B of Kotula. Forward end 84 of Figure 6A is designed to be "positioned within the aorta to help seat the body" (column 12, lines 27-29) and "urges the base 88 of the body open to ensure that the shoulder engages the wall of the vessel to prevent the device 80 from becoming dislodged from within the shunt." (col. 12, lines 43-46). The ends of the wire strands (which receive clamp 15) are forward of end 84 and not axially inwardly of this end nor is end 84 at a terminal end of the filter as recited in claim 1. Thus, if the Examiner wishes to characterize the strands which receive clamp 15 as a "converging region" and end 84 as a "mounting region", such converging region is positioned axially outwardly and at the terminal end. The amendment of claim 1 to recite the distance from the center point further highlights this difference.

For at least the foregoing reasons, none of the foregoing references anticipate claim 1 and therefore Applicants submit that the rejection of claim 1 should be withdrawn. Claims 2-8 depend from claim 1 and are therefore believed patentable for at least the same reasons that claim 1 is believed patentable.

Turning now to claim 9, this claim recites inter alia that the filter has a mounting portion having a series of longitudinally extending members extending substantially parallel to a longitudinal axis of the filter to form an elongated outer surface for contact with the vessel wall. This feature is not disclosed in Metais, Meglin or Kotula. In Metais, convex portions are formed rather than substantially parallel elongated members with elongated outer contact surfaces. (Figure 6A illustrates the filter during delivery, not placement) Similarly, in Meglin Figure 12 and Figure 18 (the other Figures lack tubes at opposing ends), convex portions are also formed. These convex portions are not substantially parallel to the longitudinal axis as recited in claim 1. The wires of the Kotula device, forming a metal fabric, do not extend substantially parallel to the longitudinal axis for contact with the

vessel wall. End 84 of Kotula is the vessel contact portion and clearly lacks this feature.

For at least the foregoing reasons, the rejection of claim 9 as anticipated should be withdrawn. Claims 10-12 depend from claim 9 and are therefore believed patentable for at least the same reasons that claim 9 is believed patentable.

Claim 13 recites inter alia that the struts extend at one end from the intermediate portion to a second end portion of the filter at an angle to the longitudinal axis radially inwardly towards the longitudinal axis of the filter and extend at another end radially inwardly towards the longitudinal axis and back towards the second end portion. (see e.g. Applicant's Figure 2 which illustrates how struts forming the two converging regions extend in the same direction).

In Meglin Figure 11 (or Figure 18), the embodiment with the tubes at the opposing ends, convex portions are formed with the tubes at the end portions. Meglin lacks strut portions that extend at one end toward the second end portion and at the other end also toward the second end portion. Bosma, like Meglin, has tubular portions at the terminal ends of the filter and therefore likewise lacks the recitation of struts extending at both ends toward the second portion. Consequently, withdrawal of the rejection of claim 13 as anticipated by Meglin and Bosma is respectfully requested.

Claims 14-19 depend from claim 13 and are therefore believed patentable for at least the same reasons that claim 13 is believed patentable.

Claim 20 recites inter alia providing a vessel filter having a mounting section and first and second filtering sections each terminating in a converging end region, the first filtering section spaced axially inwardly from a tangent of the end of the mounting section and the second filtering section spaced axially outwardly from the mounting section further from a center of the filter so it is between a terminal end of the mounting section and the center of the filter. Meglin does not disclose this feature. The tube of Meglin extends outwardly from a tangent to the end of the mounting section. This is opposite the feature of claim 20. Further, the tube section is further from the center and is at the terminal end. This is also the opposite of claim 20. With respect to the Kotula patent, the end sections of Kotula are not axially inwardly

from a tangent of the end of the section 84. End portion is spaced axially outwardly and not between section 84 and the center.

For at least the foregoing reasons, the rejection of claim 20 as anticipated should be withdrawn. Claims 21 and 22 depend from claim 20 and are therefore believed patentable for at least the same reasons as claim 20.

Applicants respectfully submit that this application is now in condition for allowance. Prompt and favorable reconsideration of the present application is respectfully requested. The Examiner is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

Respectfully submitted,

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